

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Applicant:	John Brownlie et al.	)	Examiner: Unknown
		)	
Serial No.:	10/522,513	)	Art Unit: 1653
		)	
Filed:	January 27, 2005	)	
		)	
I.A. Filing Date:	July 1, 2003	)	
		)	
CANINE RESPIRATORY CORONAVIRUS (CRCV)		)	
SPIKE PROTEIN, POLYMERASE AND		)	
HEMAGGLUTININ/ESTERASE		)	

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**SECOND REQUEST FOR RECONSIDERATION OF DECISION ON PETITION TO  
WITHDRAW HOLDING OF ABANDONMENT**

**Mail Stop PCT**

Attn: Office of PCT Legal Administration  
Commissioner for Patents  
Office of PCT Legal Administration  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

For the reasons set forth below, Petitioner respectfully requests reconsideration of the Decisions On Petition to Withdraw Holding of Abandonment dated December 1, 2006 and August 25, 2006 in the above-identified application.

As stated in MPEP 711.03(c):

"To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must (1) include a statement from the practitioner stating that the Office communication was not received by the practitioner and (2) attesting to the fact that a search of the

file jacket and docket records indicates that the Office communication was not received. (3) A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action." (Numerals 1, 2 and 3 added for emphasis).

In regard to Item (1) of the required showing set forth above, Petitioner submits that it has included a statement that the Office Action was not received by the Practitioner. In particular, Petitioner previously stated that "[a] search of the file jacket and docket record for the subject application indicates that said Notification was never received by the Attorneys of Record, Jaekle Fleiselman & Muehl, LLP (JFM)." See Petition, pg. 2, 1<sup>st</sup> ¶. The Decision dated December 1, 2006 indicates that Item (1) has been satisfied. See *Decision dated December 1, 2006*, pg. 2.

In regard to Item (2), Petitioner hereby states that a search was conducted of the file jacket and of JFM's docket records for the date that a response to the Notification of Defective Response ("Notice") was due (i.e., March 7, 2006). The result of said search indicates that the Notice was not received at the correspondence address of record on or before the deadline of March 7, 2006. Petitioner hereby submits that Item (2) is now satisfied.

In regard to Item (3), Petitioner has submitted herewith a true copy of JFM's docket records for the date that a response to the Notice was due (i.e., March 7, 2006). See Exhibit A. The docket report generated by JFM's docketing system as provided in Exhibit A shows all applications for which a response or other action was due on March 7, 2006. As can be seen in

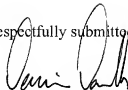
Exhibit A, the docket report does not contain the due date for a response to the Notice for the subject application. If Petitioner had received the Notice mailed on February 7, 2006 on or before the deadline of March 7, 2006, the subject application would have appeared on the docket report in Exhibit A having an entry listed under the "Actions Due" column showing a response due for the Notice with a deadline of March 7, 2006 listed under the "Due Date" column. Since a deadline to respond to the Notice does not appear on the docket report in Exhibit A, Petitioner submits that the Notice had not been received by Petitioner on or before the deadline of March 7, 2006.

In view of the above, Petitioner submits that a proper showing of Items (1), (2) and (3) has been made, thereby establishing non-receipt of the Notification of Defective Response mailed by the U.S. Patent Office on February 7, 2006 on or before the deadline of March 7, 2006. Accordingly, second reconsideration and grant of the Petition filed on June 2, 2006 is respectfully requested.

Petitioner does not believe that any fee is due at this time. However, the Commissioner is hereby authorized to charge any additional fee that may have been overlooked to Deposit Account No. 10-0223.

Date: 12/13/06

Respectfully submitted,



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# Exhibit A

Row Number	Task Number	Subtask	Country	Country Code	Case Type	App. Information	Task ID	Assignee	App. No.	Response Due	Gratuity Due	Used	Forecasted	Last Update
00100001	00100001	US	United States of America	PR	Pending	33719	US - Security Admin	31-Sep-2005	11/04/2005	EAK	EAK	23-Aug-2005	18-Sep-2005	18-Sep-2005
													18-Sep-2005	18-Sep-2005
													18-Sep-2005	18-Sep-2005
00100002	00100002	US	United States of America	ORL	Transferred	33731	US - Assignment	31-Sep-2005	11/04/2005	EAK	EAK	06-Sep-2005	01-Sep-2005	01-Sep-2005
													01-Sep-2005	01-Sep-2005
													01-Sep-2005	01-Sep-2005
00100003	00100003	US	United States of America	PR	Pending	33736	US - Field Office Admin	07-Sep-2005	10/23/2005	EAK	EAK	23-Sep-2005	18-Sep-2005	18-Sep-2005
													18-Sep-2005	18-Sep-2005
													18-Sep-2005	18-Sep-2005
00100004	00100004	US	United States of America	PR	Pending	33739	US - Assignment	04-Dec-2005	10/23/2005	EAK	EAK	11-Dec-2005	04-Jan-2006	04-Jan-2006
													04-Jan-2006	04-Jan-2006
													04-Jan-2006	04-Jan-2006
00100005	00100005	US	United States of America	PR	Granted	33798	US - Allowance	07-Dec-2005	10/25/2005	EAK	EAK	14-Dec-2005	22-Mar-2006	22-Mar-2006
													22-Mar-2006	22-Mar-2006
													22-Mar-2006	22-Mar-2006
00100006	00100006	US	United States of America	PR	Pending	33735	Post Card Check	17-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100007	00100007	US	United States of America	PR	Pending	33735	Rule 56 Letter	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100008	00100008	US	United States of America	PR	Pending	33735	Post Card Check	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100009	00100009	DE	Germany	PR	Published	36640	Officer Assistance Request	07-Mar-2006	10/42/2005	EAK	EAK	28-Feb-2006	10-Mar-2006	10-Mar-2006
													10-Mar-2006	10-Mar-2006
													10-Mar-2006	10-Mar-2006
00100010	00100010	US	United States of America	ORL	Granted	33780	Intercept Request	03-Mar-2006	10/29/2005	EAK	EAK	04-Mar-2006	16-Mar-2006	16-Mar-2006
													16-Mar-2006	16-Mar-2006
													16-Mar-2006	16-Mar-2006
00100011	00100011	US	United States of America	PR	Pending	33735	Rule 56 Letter	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100012	00100012	US	United States of America	PR	Pending	33735	Post Card Check	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100013	00100013	US	United States of America	PR	Pending	33735	Rule 56 Letter	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100014	00100014	US	United States of America	PR	Pending	33735	Post Card Check	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100015	00100015	US	United States of America	PR	Pending	33735	Rule 56 Letter	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100016	00100016	US	United States of America	PR	Pending	33735	Post Card Check	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100017	00100017	US	United States of America	PR	Pending	33735	Rule 56 Letter	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100018	00100018	US	United States of America	PR	Pending	33735	Post Card Check	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100019	00100019	US	United States of America	PR	Pending	33735	Rule 56 Letter	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100020	00100020	US	United States of America	PR	Pending	33735	Post Card Check	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100021	00100021	US	United States of America	PR	Pending	33735	Rule 56 Letter	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100022	00100022	US	United States of America	PR	Pending	33735	Post Card Check	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100023	00100023	US	United States of America	PR	Pending	33735	Rule 56 Letter	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100024	00100024	US	United States of America	PR	Pending	33735	Post Card Check	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100025	00100025	US	United States of America	PR	Pending	33735	Rule 56 Letter	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100026	00100026	US	United States of America	PR	Pending	33735	Post Card Check	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100027	00100027	US	United States of America	PR	Pending	33735	Rule 56 Letter	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100028	00100028	US	United States of America	PR	Pending	33735	Post Card Check	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100029	00100029	US	United States of America	PR	Pending	33735	Rule 56 Letter	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100030	00100030	US	United States of America	PR	Pending	33735	Post Card Check	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100031	00100031	US	United States of America	PR	Pending	33735	Rule 56 Letter	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100032	00100032	US	United States of America	PR	Pending	33735	Post Card Check	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100033	00100033	US	United States of America	PR	Pending	33735	Rule 56 Letter	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
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00100035	00100035	US	United States of America	PR	Pending	33735	Rule 56 Letter	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100036	00100036	US	United States of America	PR	Pending	33735	Post Card Check	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100037	00100037	US	United States of America	PR	Pending	33735	Rule 56 Letter	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100038	00100038	US	United States of America	PR	Pending	33735	Post Card Check	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100039	00100039	US	United States of America	PR	Pending	33735	Rule 56 Letter	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
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00100047	00100047	US	United States of America	PR	Pending	33735	Rule 56 Letter	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
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00100052	00100052	US	United States of America	PR	Pending	33735	Post Card Check	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
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00100054	00100054	US	United States of America	PR	Pending	33735	Post Card Check	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
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00100057	00100057	US	United States of America	PR	Pending	33735	Rule 56 Letter	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100058	00100058	US	United States of America	PR	Pending	33735	Post Card Check	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		
00100059	00100059	US	United States of America	PR	Pending	33735	Rule 56 Letter	07-Feb-2006	11/24/2005	EAK	EAK	04-Feb-2006		